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4 Attorneys for Debtor  
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8 UNITED STATES BANKRUPTCY COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

10 IN RE: CASE No. 17-30501 DM  
11 BRUGNARA PROPERTIES, VI, CHAPTER 11  
12 Debtor. / MOTION FOR ORDER RELIEVING  
13 COUNSEL; DECLARATION OF  
DAVID N. CHANDLER  
14 Date: July 7, 2017  
Time: 10:00 a.m.  
15 Place: 450 Golden Gate Ave.,  
16 16<sup>th</sup> Fl., Ctrm. 17  
San Francisco, CA

17 TO: HONORABLE DENNIS MONTALI, UNITED STATES BANKRUPTCY JUDGE:  
18 David N. Chandler, p.c., and David N. Chandler, general  
19 counsel for the Debtor herein hereby moves the above entitled Court  
20 for an Order Relieving David N. Chandler, p.c. and David N.  
21 Chandler as counsel for Debtor herein.

22 Said Motion is made on the grounds that (1) the managing  
23 member of the Debtor has discharged David N. Chandler, p.c. in  
24 writing and has failed to obtain substitute counsel, (2) the  
25 managing member of the Debtor herein has failed to respond and  
26 fulfill obligations pursuant to OUST Guidelines of the Debtor in  
27 Possession, (3) failed to cooperate in obtaining qualification of

1 counsel, and (4) communicated matters to counsel which prevent  
2 representation.

3 Said Motion is made and based hereon, on the Declaration of  
4 David N. Chandler appended hereto.

5 Dated: June 16, 2017

DAVID N. CHANDLER, p.c.

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By: /s/David N. Chandler

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David N. Chandler  
Attorney for Debtor

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DECLARATION OF DAVID N. CHANDLER

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I, David N. Chandler, declare and say:

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1. That if called as a witness, I am competent to testify to  
13 the within matters from my own knowledge.

14

2. Kay Brugnara is the managing member of the Debtor herein.

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3. Ms. Brugnara discharged me by email dated June 3, 2017  
16 and advised me that she had made other arrangements for counsel and  
17 directed me to forward the unapplied retainer.

18

4. Schedules and Statement of Affairs were due June 5, 2017.  
19 Ms. Brugnara was made aware that the substitution did not extend  
20 the time to file or any other time deadlines in the case. Our  
21 office moved for additional time to file which was granted. The  
22 Schedules and Statement of Affairs are now due June 19, 2017.

23

5. Ms. Brugnara was to have the Substitution of Attorneys in  
24 my office no later than Monday, June 12, 2017.

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6. It is our practice to meet with a client in the office to  
26 review Schedules and SOFA in detail before execution and filing and  
27 to review and execute an employment application at the same time.

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1 As a consequence, I have been unable to obtain an executed  
2 employment application. After having been discharged, it would be  
3 inappropriate for me to submit such an application without consent  
4 and understanding of the client as to the effect of submission of  
5 same.

6 7. The managing member has indicated that it would be too  
7 far for her to come to my office to review documents for signature  
8 and based thereon, as well as other factors, she had discharged our  
9 office.

10 8. In reiterating the reasons for discharge, Ms. Brugnara  
11 had stated matters to me which are contrary to my confidence that  
12 I am ethically able to represent the Debtor in Possession.

13 9. I continue to hold the balance of the unapplied retainer  
14 in trust for the estate. We have prepared draft documents for  
15 filing which I will provide as directed by the Court.

16 10. It is my opinion that it is not possible for me to be re-  
17 engaged by the Debtor in Possession based upon the Rules of  
18 Professional Conduct. It is my opinion that I have been discharged  
19 from the matters for which I accepted engagement and am unable and  
20 unwilling to accept new engagement.

21 11. I am attorney of record in the matter pending before the  
22 Court and wish to be relieved as counsel. Ms. Brugnara is aware of  
23 the fact that a limited liability company or corporation must be  
24 represented by an attorney and was aware of that prior to her  
25 discharging me. Ethically, I can take no action on behalf of the  
26 estate or Debtor in Possession after having been discharged except  
27 that which is required to prevent harm to the estate. Action taken

1 from and after having been discharged was taken to prevent harm.

2 Executed under penalty of perjury this 16<sup>th</sup> day of June, 2017  
3 at Santa Rosa, California.

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/s/David N. Chandler

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David N. Chandler  
Attorney for Debtor

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